

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

LILLIE ANN BROWN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACT. NO. 3:21-cv-69-ECM
)	(WO)
KILOLO KIJAKAZI, ¹)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

On January 26, 2022, the Plaintiff filed an application for an award of attorney fees pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. (Doc. 27). The Defendant does not oppose an award of fees in the amount of \$3,527.68 representing 14.45 hours of attorney time, and an award of costs in the amount of \$402.00 *See* Doc. 28. Pursuant to EAJA, attorney’s fees are awarded and payable to the prevailing litigant, not to the prevailing litigant’s attorney. *Astrue v. Ratliff*, 560 U.S. 586 (2010). *See also Reeves v. Astrue*, 526 F.3d 732, 738 (11th Cir. 2008) (“[A]ttorney’s fees are awarded to the prevailing party, not to the prevailing party’s attorney.”).

¹ On July 9, 2021, Kilolo Kijakazi became the acting Commissioner of Social Security, and thus, is automatically substituted as a party pursuant to FED. R. CIV. P. 25(d). *See also*, section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) (action survives regardless of any change in the person occupying the office of the Commissioner of Social Security.)

Accordingly, upon consideration of the application (doc. 27), and for good cause, it is

ORDERED that the application for attorney's fees (doc. 27) is GRANTED and the Plaintiff is AWARDED fees in the amount of \$3,527.68 and costs in the amount of \$402.00.

DONE this 7th day of February, 2022.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE